

LAMONICA HERBST & MANISCALCO, LLP

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David A. Blansky, Esq.

Partner

516.826.6500 x207

dab@lhmlawfirm.com

January 19, 2017

Via ECF & First-Class Mail

Judge Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**In re: Steven Anthony Behar and Jeffrey Behar, Appellants
v. R. Kenneth Barnard, as Chapter 7 Trustee of
10 Division Street LLC, Appellee
Dist. Ct. Case No. 16-CV-04644-JFB**

Dear Judge Bianco,

This firm is counsel to Appellee R. Kenneth Barnard, as Chapter 7 Trustee of 10 Division Street LLC.

Following a hearing held on December 2, 2016, counsel to the Appellants was granted leave to withdraw and the Appellants were granted time in which to retain substitute counsel or proceed *pro se*. At the hearing, the Court directed the Appellants to file a status report with the Court on or before January 16, 2017 if new counsel did not file a notice of appearance, and that the briefing schedule would be stayed pending that appearance or filing of the status report.

On January 15, 2017, the Court entered an electronic scheduling order stating:

In light of the Court's Order [9] granting [4] Motion to Withdraw as Attorney, and for the reasons set forth on the record on December 5, 2016, IT IS HEREBY ORDERED that counsel for the appellant shall file a notice of appearance, or appellant shall file a status report with the Court, by January 16, 2017. IT IS FURTHER ORDERED that the briefing schedule is hereby stayed pending appellant's retention of counsel or filing of the status report. SO ORDERED. Ordered by Judge Joseph F. Bianco on 12/15/2016.(Hammond, Daniel)

Neither a notice of appearance by new counsel for the Appellants or a status report have been filed with the Court. As such, Appellee requests that the Court fix a deadline for the filing of Appellants' brief and that the appeal be deemed abandoned if Appellants fail to timely file their brief by the deadline fixed by the Court.

Respectfully submitted,
s/David A. Blansky
David A. Blansky

DAB:rrl

cc: Steven Anthony Behar
217-12 67th Avenue
Bayside, NY 11364

Jeffrey Behar
478 Grand Boulevard
Massapequa Park, NY 11762-1344

R. Kenneth Barnard, as Trustee